



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

FRANK MARTUCCI, R.N.
License # NO 10066300

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a registered professional nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about January 30, 2012, the Board sent an inquiry to respondent at his address of record with the Board by certified and regular mail, asking questions about his nursing practice, and asking for production of documentation of completion of continuing education.
3. The certified mailing was returned, unclaimed. The regular mailing was not returned. No response has been received to date.

CONCLUSIONS OF LAW

1. Respondent's failure to respond to the Board inquiry constitutes a failure to cooperate with a Board investigation pursuant to N.J.A.C. 13:45C-1.2, -1.3.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on August 27, 2012, provisionally suspending respondent's nursing license, and imposing a \$250.00 civil penalty. A copy of the Order was forwarded to respondent by certified and regular mail at his address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

The record reflects that the certified mailing of the Provisional Order of Discipline was signed for. The regular mailing was not returned. No written response has been received to date. The Board determined that service had been effected, inasmuch as the Provisional Order had been mailed to respondent's address of record with the Board. The Board further determined that as no material discrepancies had been raised with respect to the Findings of Fact and Conclusions of Law of the Provisional Order of Discipline, additional proceedings were not necessary, and the Provisional Order should be made final. Respondent may not evade process by failing to respond.

ACCORDINGLY, IT IS on this 10th day of January, 2013,

ORDERED that:

1. Respondent's New Jersey nursing license is hereby suspended until he has fully responded to the Board inquiry.
2. A \$250.00 civil penalty is hereby imposed. Payment shall be in the form of a certified check or money order, made payable to the State of New Jersey, and shall be due within fifteen (15) days of the filing of a Final Order of Discipline in this matter. Payment shall be in the form of a certified check or money order, made payable to the State of New Jersey, and shall be forwarded within twenty one (21) days of the filing of this order to the attention of George Hebert, Executive Director, Board of Nursing, P.O. Box 45010, 124 Halsey Street, 6th Floor, Newark, NJ 07101.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Ann Murphy, PhD, APN
Board President